

WHY blame the fellow who toses them out if you put on old shoes that don't fit.

WILL FIGHT BATTLE

Eleventh Cavalry Surprises Bandits by Early Raid.

No American Casualties; Mexicans Beat Retreat.

VILLISTAS LEAVE HORSES

Were Serenely Camped for Night in Adobe Huts.

Troopers Give Chase as Pursued Flee to Mountains.

Field Headquarters, Near Nampulpa, by Wireless to Columbus, N. M., May 6.—A full squadron of two hundred and thirty men of the Eleventh Cavalry surprised and routed a much larger force of Villa bandits at Ojo-Azuules, 17 miles south of Cuahuirachic, early yesterday.

My actual count 42 Mexicans were killed and a number wounded, but there were no American casualties.

The American command under Maj. Robert L. Howze has been pursuing the Villa bandits under Cens, Cruz Dominguez and Julio Acosta for several days when they encountered them, encamped in the huddled adobe jacks of Ojo-Azuules.

The Mexicans were completely surprised and sprang from their pallets half clothed. After firing a few wild shots, they fled, each man shifting for himself. Some of them were able to seize their horses, already jaded from a hard day's ride previously, but others made their way into the hills afoot.

In Major Howze's report he said the rout had been absolute, and that he was still pursuing scattered remnants of the band. The band engaged in the fight.

The band engaged in the largest remaining under the Villa standard and today's decisive victory gave much satisfaction to military men here. While the dispatch does not state, military men on the border believe that the band is the same as that which was defeated at Temochic April 27 by Col. George A. Doe's command.

Capture 75 Horses.

San Antonio, May 6.—Forty-two Villistas were killed, a number wounded and 75 horses captured in a surprise attack delivered by six troops of the Eleventh Cavalry at Ojo-Azuules early yesterday morning. A report on the fight was forwarded from El Paso by General Funston.

There were no American casualties. The American troops commanded by Major Robert L. Howze made a night ride of 36 miles from San Antonio to surprise the bandits. So unexpected was the attack that the Mexicans fled without offering organized resistance. The band numbered 140 men and was commanded by Dominguez, Acosta and Angulo.

Drove 36 Miles to Battle.

The Villistas arrived at Ojo-Azuules early yesterday and attempted to take the town from the Carranza garrison. Meeting with resistance, they decided to wait until morning before renewing the effort.

Major Howze at San Antonio, 36 miles to the north, learned of the situation and immediately dispatched troops of the Eleventh Cavalry to relieve the town. The command reached the outskirts of the Carranza garrison early yesterday morning and met the band. The men had ridden 36 miles from San Antonio to Ojo-Azuules, 17 miles southwest of Cuahuirachic.

The pursuit of the scattered Mexicans was continued for two hours. Information that the band was near Ojo-Azuules had been secured by General Pershing two days before. It was said to have attacked and defeated a Carranza force a few days before that the command was 42. Seventy-five horses and mules were taken from the Mexicans and six Carranza prisoners they had been holding for execution. Many wounded were reported but the number was not given.

Report De Facto Start Clash.

El Paso, May 6.—General Pershing's official report of the defeat of a band of Villa's men at Ojo-Azuules, by Major Howze, described the action as a cavalry charge with the Carranza garrison. The report said that the band had been in the area since operations were begun. The men had ridden 36 miles from San Antonio to Ojo-Azuules, 17 miles southwest of Cuahuirachic.

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ENGLAND, TOO, ADOPTS MORE DAYLIGHT PLAN

London, May 6.—The "daylight saving" scheme by which the clock will be put ahead an hour, is expected to be approved by the house of commons on Monday and will go into effect the following Sunday morning.

BREAK BETWEEN CARRANZA AND OBREGON SEEN

This Interpretation Put on First Chief's Delay.

"Interventionists" Predict Wider Split to Come.

TRUCE WITH VILLA LEADERS

Bandit Generals Would Join War Against U. S.

Mex-U. S. Conference To Be Continued Today.

El Paso, May 6.—General Scott and General Funston planned today to hold another conference with General Obregon in the expectation that before it ended, the suggestion of the United States government for co-operative disposal of the Villa bands in Mexico would take the form of a duly signed protocol.

Prior to the meeting, however, came reports from Juarez that were not quite so optimistic. It was reported that the negotiations might extend into still another session of the conferees.

The fact that General Carranza did not immediately endorse the tentative agreement entered into by General Obregon was seized upon by the "interventionists" here, who have been predicting a break between the first chief and his minister of war. They declare that the present situation is but a forerunner of a wider split to come between the two men.

Truce With Villistas.

From authentic Mexican sources, it is learned, that during the conference held here and in Juarez, an inter-party truce has existed in Mexico with the understanding that if trouble arises between the de facto government and the United States, all factions would act against the common enemy. General Trevino is reported to have received messages by telegraph from various Villa chiefs stating that they are ready to put sixteen million rounds of ammunition now hid in the mountains as well as their own services at the disposal of the first chief, should a break occur with Washington.

"There are now no Villa bands, only bandits," said the Mexican source. "Obregon today when the subject of operations against Villa was mentioned, 'There are no Villistas, as their cause is dead and gone,' Obregon continued. 'It is now only a hunt after outlaws without a flag. It is only a matter of time and diligence before they are cleared out of our country.'"

EIGHTH MAN SHOT

Major John McBride, Irish Rebel Leader, Executed.

Led Irish Against Crown Throughout Boer War.

Dublin, May 6.—It was officially announced today that Major John McBride, the eighth leader of the Sun, Feib rebellion to suffer death by sentence of court martial, has been shot.

Major John McBride fought throughout the Boer war with the Irish brigade under General Piel. When the Boers finally surrendered he made his escape and took refuge in the forests of Ireland. Later married Miss Maud Gonne, who in home rule circles in Ireland as the Irish Joan.

In 1905 McBride delivered a series of lectures in the United States on Irish politics. On their return to Paris, Mrs. McBride sued for divorce and was granted a legal separation. McBride maintained his interest in Irish political affairs and was always identified with the extreme of separatist factions of the nationalist party.

The sentences of Thomas Hunter and William Congrove, who were sentenced to death with Major McBride were commuted to life imprisonment.

TRAIN HIT OIL WAGON

Santa Fe Cars Scorch When Contents Ignited in Topeka This Morning.

A Standard Oil company tank wagon was totally demolished and more than 500 gallons of oil was lost when the wagon was struck by Atchison, Topeka & Santa Fe train No. 12, near Santa Fe, early this morning, shortly after 6 o'clock.

The oil was ignited by a spark from the engine and the pilot of the engine and several cars were scorched considerably. No one was hurt. L. C. Rahn, owner of the Capital Street factory, was on Santa Fe train No. 12 when it struck the oil wagon. "It caused no little excitement on the train," he said. "When the first car came to a halt, it was thought into a wreck. Then it was discovered that the engine had struck a tank of oil. We took out and saw the flames leaping up around the sides of the mail car. The engineer undoubtedly thought it wouldn't do to burn up the mail, so he pulled up until the flames began to lick the sides of the coach. You should have seen the occupants scramble out and see a man had a coat badly scorched. Once more the engineer pulled up and as the entire train pulled through that fire the sides of the cars, Pullman and all, were burned."

Trip to Doom Is Honeymoon of Irish Rebel

Dublin, May 6.—Joseph Plunkett, one of the leaders in the rebellion, was married on Thursday before he was put to death, to Miss Gifford, sister of Mrs. Thomas MacDonagh, widow of one of the first rebels who was put to death after court martial.

TO OTHER BANKS

Shawnee County Sells \$50,000 to Country Institutions.

Three Per Cent Paid When Topeka Bankers Refuse.

Shawnee county will draw 3 per cent interest on at least fifty thousand dollars of its funds.

The county commissioners have authorized the county treasurer to place that amount on time deposit in three banks located outside of Topeka. Twenty thousand dollars will be placed in each of the two banks at Topeka and ten thousand dollars will be placed in the bank at Silver Lake. These amounts will be deposited by the county treasurer for given periods of time and he will take out time certificates in his own name, as county treasurer.

All of these banks have been carrying some county money but have been carrying it on daily balance and have been paying 2 1/2 per cent interest on it. When the Topeka banks got together and announced that beginning May 1 they would pay the county only 2 per cent interest on the county's money on time deposit. The opinion of the commissioners looked for a hole. They asked W. E. Atchison, county attorney, for an opinion as to whether or not they could place the county's money on time deposit. The opinion was favorable and the instructions to the county treasurer were issued yesterday.

Fifty thousand dollars is only a small part of the county's funds but the rate is paid by the outside banks is one-half of one per cent more than the county has been receiving in Topeka heretofore and one per cent more than it will receive on daily balances under the new order.

GERMANS GAIN

Rout French From Trench, but Can't Advance.

Tenton Troops Kept Out of Position by Artillery.

Paris, May 6.—The French evacuated part of their trenches on the northern slope of Hill 304 on the Verdun front west of the Meuse as the result of unusually violent bombardment by heavy German guns.

The war office statement of this afternoon says that the efforts of the Germans to advance were checked by French guns and that a fresh division of troops which the Germans brought into action sustained great losses.

Attacks north and northwest of Hill 304 were repulsed at the point of bayonets.

Turks Claim Victories.

Constantinople, May 6.—Via London.—The following official statement was issued today by the Turkish army headquarters.

"On the Irak front the situation is unchanged. The day before the surrender of the British army at Kut-el-Amara, one of our aeroplanes shot down two enemy machines.

"Caucasian front: One of our cavalry detachments surprised and destroyed a detachment of the enemy's cavalry. On the other fronts there is no news."

BUILDERS STRIKE

7,000 Quit Work on 100 Buildings in St. Louis.

St. Louis, May 6.—Seven thousand men, members of sixteen unions, in the building trades, were called on strike here today.

Twenty thousand agents of the various unions went about the city, visiting 100 buildings in course of construction and called the men out in sympathy with the striking members of the Hod Carriers' and Building Laborers' union, who are demanding 35 cents instead of 25 cents an hour, an eight hour day and time and a half for overtime.

Bromine Makers Strike.

Gallipolis, Ohio, May 6.—Several hundred miners and salt makers at the Linden, Hartford City and Liverpool, W. Va., coal and salt works, along the river here, struck today for higher wages. The plants, which have been turning out bromine for the European belligerents, were closed.

Call Out 12 Trades.

The trades called out by the strike order today are lime layers, cement finishers, bricklayers and plasterers, iron trades council, and though they were not formally called out many men in these trades quit work.

Express Companies Show Profits.

Washington, May 6.—Leading express companies of the United States, according to figures published today by the interstate commerce commission, earned total profits of \$138,000 last January, as compared with a deficit of \$584,000 the same month a year ago.

LIQUOR HOUSES GET A SETBACK

Decision of District Judge Upheld in Cooley Case.

Can't Collect for Goods Sold to Former Topekan.

LABOR LAW CLEARED UP

Supreme Court Rules on Workmen's Compensation Act.

City Livestock Can Be Kept in a Barn.

(Supreme Court Decisions on page 17.)

Dick Cooley does not need to pay for intoxicating liquor delivered to him by Danziger Brothers of Kansas City during the time Cooley was owner of the Topeka baseball team. The supreme court today held the sale of liquors to Cooley an evasion of the Kansas prohibitory liquor law and affirmed the verdict of the Shawnee county district court in denying the liquor company a judgment.

During the time Cooley was owner of the Topeka Western league baseball club, liquor was on certain occasions delivered to Danziger Brothers of Kansas City by themselves in Topeka. Here an agent is said to have delivered the bills of lading to Cooley who took the liquor from the express or freight office.

Cooley sold his ball team, he said to have used the Kansas City proceeds of the sale were attached, the Danzigers taking action both for themselves and other liquor houses. When the case was called for trial, a demurrer was sustained and judgment entered for the defendant.

It was held by the court that the sale was an evasion of the Kansas prohibitory liquor law. Title to the liquor did not change until the shipment reached Kansas, it was held, and for that reason the sale was made in Kansas in violation of law and the account was not collectible in a court of record. In one of the cases the defendant pleaded payment of the accounts and a jury found for him. In the other cases, demurrers were sustained.

"A principal who employs an agent to make collections under circumstances which make the act a violation of the criminal law, cannot maintain an action for the recovery of the amount collected," said Justice Mason in deciding the cases.

Must Get an Order.

When attorneys win fees in divorce cases, they must get court orders for fees promptly if they would include the usual fee for a divorce.

That was the ruling of the supreme court today in a case from the county court.

Rebecca M. Eisenbeis secured a divorce decree from J. M. Eisenbeis. An order for \$250 was allowed.

The attorney, however, neglected to secure the incorporation of his fee in the decree. Now he must bring a separate suit against Eisenbeis to win the \$250.

More Compensation Cases.

The supreme court clarified some of the legal muddle surrounding interpretations of the workmen's compensation act when it today passed on cases involving the big labor law.

In a suit by S. O. Gailey against the Best Brothers' Manufacturing company of Wyandotte, the court held that an employee who was partially disabled through injury does not lose his right under the compensation law though he remains in the employ of the company. Another case was that of J. H. Ruth against the Wyandotte-Endicott company, in which the supreme court reversed the action of the Wyandotte county district court.

In that case, an employee who was entitled to injurious which he received in connection with his work, but was not entitled to compensation for alleged malpractice of the Wyandotte-Endicott company.

A third case was that of Albert T. Taylor against the Suburban Sons company, also of Wyandotte county. The court in this case held that a son could not collect compensation for the death of his mother even though she contributed to his support. The woman lived with her parents and was a member of the family.

Horses, Cows and Chickens Exempt. When a man keeps a horse, a cow or chickens in his barn, he is not violating the city health ordinance unless he persists in depositing refuse in places that make such an act dangerous to health or welfare of a community.

That was the decree of the supreme court today in a case testing the validity of an ordinance of the city of Goodland, Sherman county.

L. W. Popejoy brought suit to test the Goodland ordinance. The court held that the ordinance was valid and prohibited depositing of cans, manure, ashes and garbage on property of citizens was invalidly secreted in the town council did not state whether the deposit was a nuisance or innocuous deposit. Enforcement of the ordinance would prohibit the keeping of a cow, horse or chickens in a barn, regardless of the cleanliness of the barn.

Decides Old Case.

The supreme court today decided a case which was brought to the United States court. The decision today gives the land to the Stark estate. The land was claimed to have been taken from the Stark estate and title was claimed by Hunter M. Merweather. Suits concerning accretions from the flood and ice gorge of 1877 have for years been in the courts of the United States courts. The decision today gives the land to the Stark estate.

TWO "PREPAREDNESS" CAMPAIGNERS

Man's Littleness Proved by War

Queen Asserts

OUT FOR COLONEL

Old Soldiers and Their Sons Are for Roosevelt.

Rough Rider's Strength Is Growing All Over Kansas.

Senator Mahin Coming Back

Dr. Aldrich Also to Play a Return Engagement.

George W. Dart of Jewell Holds a Convention.

Hundreds of Kansas old soldiers and their sons are for Colonel Roosevelt for the Republican presidential nomination according to a statement today, by J. W. Buffum, a veteran Topeka traveling man. Buffum has returned from a 30-day trip through the state. He found a growing sentiment for Roosevelt and a decided increase in the number of preparedness boosters.

Veterans who fought in the civil war are for a program of preparedness. Buffum declared. He also stated that some of veterans are bitterly opposed to a wobbly and uncertain foreign policy and prefer a clean cut, emphatic program such as they expect from Roosevelt at administration.

Buffum is one of the veteran traveling men of the state. For nearly forty years he has been enrolled as a knight of the grip and through his acquaintance in Kansas is able to gather a definite view of sentiment in various localities.

"I have just made a ninety day trip over the state and there isn't a bit of question about a growing Roosevelt sentiment in Kansas," said Buffum. "This sentiment is especially defined among old soldiers and sons of veterans who denounce a weak foreign policy on the part of our nation. They look to Roosevelt for the leadership the nation expects and demands. These men know the meaning and value of preparedness and that compromises the honor of the nation or fails to afford absolute and positive military preparedness."

SUE PEACE PILOT

Anti-Preparedness Tract Gets Ford Into Trouble.

Navy League Asks \$100,000 Libel From Henry.

Washington, May 6.—The Navy league filed a suit for libel in the district court against Henry Ford, the Detroit manufacturer, asking for \$100,000 damages.

The suit alleged libel in some of Ford's published statements opposing military preparedness.

NO REPLY NEEDED

Believe President Considers Submarine Issue Closed.

Lansing May Issue Statement Touching on Note.

TOPEKA LANDS IT

State S. S. Convention Will Meet Here Next Year.

Topeka will have the state Sunday school convention next year. By a majority vote, the convention at Wichita voted to bring the convention to the capital city.

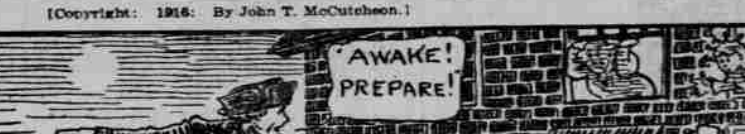
This is one of the largest conventions which meets at the "Convention City." The last time that it was held in Topeka over 4,000 delegates from all parts of the state were in attendance. The attendance at Wichita ran over 3,000. Prominent men in religious work from all over the United States are secured for the convention.

BASEBALL TODAY

American League. St. Louis at Detroit game postponed; rain.

Russell vs. Cornell Again. Princeton, N. J., May 6.—Pitcher Russell of Cornell, who shut out Princeton at Ithaca last Saturday, was picked to twirl against the Tigers again today. Chaplin was expected to pitch for Princeton.

SEE NOTE OF PEACE IN REPLY OF KAISER



P. R. in 1775.

Reference Interpreted to Mean End of War Desired.

Twice Offered to Make Peace, Declares Late Epistle.

RECALLS VISIT WITH EMPEROR

Peace Proposal May Have Been Imparted to Gerard.

Wilson Has Awaited Suggestion From Some Belligerent.

Washington, May 6.—Overshadowing in many minds the question of the president's acceptance of the German reply is interest in the small paragraph in the heart of the German note relating to peace. When the president replies to Germany this paragraph may or may not be touched upon. Nevertheless, officials today in guarded manner intimated frankly that something may result directly from Germany's plain indication that she is anxious for peace.

The conference between Ambassador Gerard and the kaiser suddenly looms large in the minds of officials here. It never had been seriously thought that the emperor discussed details of the submarine issue with the American ambassador. Since the arrival here of the German note, the belief has grown strong that peace may have played a prominent part in that conference.

Doesn't Want War Prolonged.

Germany's admission that she has twice offered to make peace, a declaration that she yields to the president's demands because she believes it would be a calamity if the war were prolonged or increased in scope—these decisions, if not actual indications of uneasiness over the future, are at least appeals to this country for formative steps that will stop the carnage, according to the expressed belief in German circles as well as in administration quarters.

It may be said with certainty that some of those close to the president believe he should and may tentatively sound out the warring powers on the question of a possible armistice. The heart and soul of Germany speaking what it feels.

Nation Sick of Conquest.

"We hear in this (the German) reply not the voice of the braggart or bully—but the voice of a nation sick and tired of the endless fight. It is the heart and soul of Germany speaking what it feels."

"From all the countries at war we read every day of some indication that the conflict is becoming an intolerable burden. Perhaps this is the time to move for the end."

The German note for more than a year declined to volunteer his services in the cause of peace. Until such action was suggested to him by one of the warring powers, it has been understood he would make no move. This suggestion in the minds of many here is that time has now come when he or not the president regards it in this light remains to be seen.

With the official text of the German note before him today, President Wilson is formulating his decision on whether or not Germany has met American squarely on the submarine issue.

Conclusion Generally Approved.

Since it already has been announced (Continued on Page 2.)

HEAT RECORD BROKEN

It Is Fair and Warm All Over the State.

Hourly temperature readings furnished by the weather bureau:

7 o'clock ... 66 11 o'clock ... 80
8 o'clock ... 68 12 o'clock ... 80
9 o'clock ... 71 1 o'clock ... 84
10 o'clock ... 75 2 o'clock ... 91

Although today was cloudy the mercury rose rapidly and by 2 o'clock had reached 81 degrees. This exceeds the former record for this date by 5 degrees. Temperatures averaged 15 degrees above normal and the day 15 degrees above normal and the day blew at the rate of 24 miles an hour from the southwest.

The sky was slightly cloudy this morning but the day was warm and there is no chance for rain. Sunday may be partly cloudy, according to the weather bureau, but it will be a fine day for automobile rides and trips to the country. No rain fell in Kansas last night and fair weather was general over the state. Last night was a typical June night and the temperature was 10 degrees above normal.

Generally fair and continued warm weather is the forecast for tonight and Sunday.

CHURCHES CELEBRATE BABY WEEK IN CHICAGO

New York, May 6.—Celebration of Baby Week began today with services in the synagogues throughout the city and the first of a series of clinics conducted by the Society for Relief of Crippled Children. Baby Sunday will be observed in all Catholic and Protestant churches tomorrow.

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